



BOARD OF ADJUSTMENT AFTER ACTION REPORT

FRIDAY, JUNE 2, 2006

9:00 A.M.

CITY COMMISSION CHAMBERS, THIRD FLOOR
1700 CONVENTION CENTER DR., MIAMI BEACH, FLORIDA

A. PROGRESS REPORTS

1. FILE NO. 2881 1229 PARTNERS, LLC
1778-1784 WEST AVENUE
LOT 5; BLOCK 16-A; ISLAND VIEW SUBDIVISION
PB 6-115; MIAMI-DADE COUNTY, FLORIDA

The applicant will present a progress report in association with this operation which received a variance on September 6, 2002 in order to waive the required side yard setback facing a street in order to allow the construction of this storage warehouse.

Applicant will return in 60 days (August 4, 2006) to give a Progress Report on obtaining new C.O. If notices of violations are issued, staff will place on earlier agenda.

B. MODIFICATION

2. FILE NO. 3167 FONTAINEBLEAU FLORIDA HOTEL, LLC
a foreign limited liability co.
FONTAINEBLEAU FLORIDA TOWER 4, LLC
a Florida limited liability co.
a/k/a THE FONTAINEBLEAU
4441 COLLINS AVENUE
PORTION OF THE INDIAN BEACH CORP. SUB.
PB 8-61 & MIAMI BEACH IMP. CO. SUB. PB 5-8
MIAMI-DADE COUNTY, FLORIDA
[complete legal description on file in the M.B.
Planning Dept.]

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File #3167: Fontainebleau

The applicant is requesting to modify the approved site plan associated with variances originally granted by the Board of Adjustment on February 3, 2006. At that meeting, the Board reviewed and approved a plan for the demolition of the existing North Tower of the Fontainebleau Hotel, and its replacement with a new structure. The following variances were approved.

1. A variance to waive 45' - 5" of the required rear yard pedestal setback of 127' - 0" in order provide 81' - 7" from the ECL to the edge of the pedestal.
2. A variance to waive all of the minimum required rear yard setback of 50' - 0" for oceanfront lots in order to provide a pool deck at 0' - 0" from the bulkhead line.
3. A variance to exceed by 17' - 0" the maximum permitted height of 30' - 0" of any habitable space above grade in order to provide meeting room spaces and a pool deck at 50' - 0" above grade.
4. A variance to waive all of the required 86' - 0" interior side yard pedestal setback in order to provide 0' - 0" from the north property line to the north face of the pedestal.
5. A variance to waive all of the required 172' - 0" sum of the pedestal side yards setback in order to build the pedestal at 0' - 0" from the north property line.
6. A variance to waive all of the required tower interior side yard setback of 101' - 0" in order to build the tower at 0' - 0" from the north property line.
7. A variance to exceed the maximum allowable stacking of two vehicles within a valet parking garage in order to provide triple stacking of vehicles.
8. A variance to waive all the four (4) required off-street loading spaces.
9. A variance to waive the requirement of pitched roofs to only be comprised of barrel or cement tile so as to build a metal roof on the dome roof of the proposed Tropicana Theater prior to the approval of this roof finish by the Historic Preservation Board.

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Approved. Date on Order shall be from original February 3, 2006 meeting.

C. CONTINUED CASES

- 3. FILE NO. 3203 MIAMI BEACH OWNER, LLC
4833 COLLINS AVENUE
LOTS 20 THRU 22 & RIP RTS & STRIP BETWEEN
COLLINS AVE. & INDIAN CREEK OPP. SAME.
INDIAN BEACH CORP. AMD. PLAT SUBDIVISION
PB 8-61; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of May 5, 2006.

The applicant is requesting the following variances in order to renovate existing cabana buildings on the pool deck of Wyndham Hotel (the former Doral Hotel):

1. A. A variance to waive 19' – 8.5" of the required 24' – 0" interior north side yard pedestal setback.
B. A variance to waive 18' – 2.5" of the required 24' – 0" interior south side yard pedestal setback.
2. A variance to waive 37' – 11" of the required 48' – 0" sum of the side yards pedestal setback.
3. A. A variance to waive 10' – 8.5" of the required 15' – 0" north side oceanfront overlay district side setback.
B. A variance to waive 18' – 2.5" of the required 24' – 0" south side oceanfront overlay district side setback.
4. A variance to waive all of the required 10' – 0" oceanfront overlay district rear setback.
5. A variance to waive 46% of the required 50% oceanfront overlay district maximum lot coverage.

Approved.

- 4. FILE NO. 3204 ELBAZ FAMILY CORP.
1754 BAY ROAD
EAST ½ OF LOT 8; BLOCK 16
ISLAND VIEW SUBDIVISION
PB 6-115; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of May 5, 2006.

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The applicant requests a continuance to the July meeting.

Continued to July 7, 2006.

D. NEW CASES

5. **FILE NO. 3208** **OVIEW at COLLINS, LLC**
3420 COLLINS AVENUE
LOTS 12 and 13; BLOCK 22
MIAMI BEACH IMPROVEMENT CO. SUB.
PB 5 – 8; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a new eight (8) story multifamily building:

1. A variance to waive 8' - 9" of the minimum required front pedestal setback of 20' - 0" in order to provide portions of the front pedestal at 11' - 3" from the front property line.
2. A variance to waive 25' - 0" of the minimum required front tower setback of 45' - 0" in order to build the tower portion of the project at 20' - 0" from the front property line.
3. A variance to exceed by 1' - 6" the maximum allowable projection into a required yard of 5' - 0" in order to build a stair landing projection of 6' - 6" into the required front yard setback.
4. A variance to waive 5' - 0" of the minimum required rear tower setback of 15' - 0" in order to provide 10' - 0" from the rear (west) property line.
5. A variance to exceed by 1' - 5" the maximum allowable projection of 2' - 6" into the required yard setback in order to provide a balcony projection of 3' - 11" into the required rear yard.
6. A variance to waive 2' - 6" of the required 10' - 6" minimum tower interior side setback in order to build the tower portion at 8' - 0" from the south property line.
7. A variance to waive 2' - 6" of the required minimum driveway entrance width of 12' - 0" in order to provide a 9' - 6" driveway entrance.
8. A variance to waive all of the minimum clearance of 1' - 6" required from the end of a parking space to the edge of a structural column.

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9. A variance to exceed the maximum allowable walkway width at the east, south and west as follows:

File No. 3208: Oview at Collins

- A. To exceed by 3' - 0" and 5' - 0" the maximum allowable walkway width of 3' - 0" at the front (east) required setback in order to provide walkways in the widths of 6' - 0" and 8' - 0".
- B. To exceed by 2' - 0" the maximum allowable walkway width of 3' - 0" at the interior side (south) required setback in order to provide a walkway with the width of 5' - 0".
- C. To exceed by 8" the maximum allowable walkway width of 3' - 0" at the rear side (west) required setback in order to provide a walkway with the width of 3' - 8".

Approved.

6. **FILE NO. 3209** **PHILIP SCATURRO**
5310 NORTH BAY ROAD
LOT 13; BLOCK 14
LA GORCE GOLF SUBDIVISION
PB 14-43; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a one (1) and a two (2) story addition to an existing two story single family residence:

1. A variance to waive 4' - 0 ½" of the minimum required sum of the side yard setback of 20' - 5" in order to provide 16' - 4 ½" sum of the side yards.
2. A variance to exceed by 4.7% the maximum permitted lot coverage of 35% in order to build to 39.7% lot coverage.

Continued to July 7, 2006.

7. **FILE NO. 3210** **MR. & MRS. MARK KATSMAN**
841 W. 47TH STREET
EAST ½ OF LOT 8 AND ALL OF LOT 9; BLOCK 13
NAUTILUS ADDITION OF MIAMI BEACH
BAYSHORE CO.

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PB 8-130; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the construction of a two (2) story addition to an existing two story single family residence:

File No. 3210: Mr. & Mrs. Mark Katsman

1. A variance to waive 4' - 0" of the minimum required interior side yard setback of 9' - 0" in order to provide 5' - 0" from the east property line to the two story addition, following an existing two story building line.

Continued to July 7, 2006.

8. **FILE NO. 3211** **PABLO RENE RUIZ
921 EUCLID AVENUE
LOT 11; BLOCK 44
OCEAN BEACH ADDITION NO. 3
PB 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new three (3) story residential building and the renovation of an existing two (2) story residential building:

1. A variance to waive 9' - 0" of the minimum required interior rear yard pedestal setback of 14' - 0" in order to provide 5' - 0" from the east property line to the new construction.
2. A variance to pave areas of the required front yard setback, inclusive of a deck and walkways exceeding the maximum allowable walkway width:
 - A. To waive 9' - 0" of the required 20' - 0" for a deck in order to build a deck at 11' - 0" from the front property line.
 - B. To exceed by 3' - 3" the maximum allowed walkway width of 3' - 0" in order to provide 6' - 3" walkways.

Approved.

9. **FILE NO. 3212** **BAYVIEW FINANCIAL, LP
834-836 FIRST STREET
LOTS 13 THRU 16; BLOCK 52
OCEAN BEACH ADDITION NO. 3
PB 2-81; MIAMI-DADE COUNTY, FLORIDA**

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The applicant is requesting the following variance in order to construct a new 5-story apartment building:

The applicant is requesting a variance to waive the maximum permitted front pedestal setback (build-to line) in order to construct a new 5-story apartment building.

File No. 3212: Bayview Financial, LP

1. A variance to waive all (5' - 0") of the maximum permitted front pedestal setback (build-to line) of 5' - 0" in order to set the the front of the first floor of the building at 13' - 0" from the front property line.

Approved with conditions.

10. **FILE NO. 3213** **DR. NOAMAN SANNI**
55 PALM AVENUE
LOT 13 & 20 FT. STRIP IN BAY; BLOCK 1
PALM ISLAND
PB 6-54; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the renovation and construction of a one (1) story garage addition to an existing single family residence:

- ~~1. A variance to waive 4" of the minimum required interior side yard setback of 10' - 0" in order to provide 9' - 8" from the new garage addition to the northwest property line.~~

VARIANCE NOT REQUIRED AS ARCHITECT WILL UPDATE PLANS TO REFLECT THE MINIMUM REQUIRED INTERIOR SETBACK.

2. A variance to waive 15' - 0" of the minimum required sum of the side yards of 25' - 0" in order to provide a sum of the side yards of 10' - 0".
3. A variance to exceed by a range of 5'-8" to 1'-6" the maximum permitted fence and gate height at the front property line of 5' - 0" in order to provide a fence and gate height in the range of 10'-8" to 6'- 6" from grade.

Continued to July 7, 2006.

11. **FILE NO. 3214** **OUTBACK / SOUTH FLORIDA – II,**
LIMITED PARTNERSHIP
d/b/a OUTBACK STEAKHOUSE

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**555 WASHINGTON AVENUE
NORTHERN 20.54' OF LOT 7 and ALL OF LOTS
8,9,10,11 & 12 LESS THE N. 5 FT. THEREOF;
BLOCK 3
FRIEDMAN & COPES SUBDIVISION
PB 4-83; MIAMI-DADE COUNTY, FLORIDA**

File No. 3214: Outback/South Florida-II

The applicant is requesting the following variance in order to permit the placement of a ventilation exhaust pipe at the rear of an existing commercial building:

1. A variance to exceed by 1' - 2" the maximum allowable projection into a required yard of 1' - 1" in order to provide a 2' - 3" projection at the rear pedestal at the east side of the building.

Approved with the condition of staff review and approval.

12. **FILE NO. 3215** **ANDREA LOVE SINGER
110 – 4TH TERRACE
LOT 7; BLOCK 8
SAN MARINO ISLAND
PB 9-22; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new swimming pool within the required front setback of an existing single family residence:

1. A. A variance to waive 10' – 6" of the minimum required front yard setback of 20' - 0" in order to provide 9' - 6" from the front property line to the swimming pool water's edge.
- B. A variance to waive 11' - 6" of the minimum required front yard setback of 20' - 0" in order to provide 8' - 6" from the front property line to the exterior side of the coping.

Continued for 30 days (July 7, 2006).

13. **FILE NO. 3216** **APR PALM PARTNERS, a Fla. general partnerhsip
70 PALM AVENUE
LOT 34; BLOCK 1; PALM ISLAND
PB 6-54; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variance, in order to retain a trellis structure and deck in the rear yard of an existing single

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family house.

1. A variance to waive 1' - 0" of the minimum required side yard setback for accessory buildings and structures of 7' - 6" in order to retain the pool deck at 6' - 5" and the trellis structure at 7' - 2" from the side property line in the rear yard.

Approved.

E. NEXT MEETING DATE

July 7, 2006

NOTE: *The Flood Plain Management Board meeting shall begin at the conclusion of the Board of Adjustment agenda.*****

In accordance with the Americans With Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, persons with disabilities, or to request material in accessible format, contact the Board's administrator at (305)673-7550 no later than four (4) days prior to the proceeding. If hearing impaired or for sign language interpreters, telephone (305)673-7219 (TDD) five (5) days prior to the proceeding.

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MIAMIBEACH

PLANNING DEPARTMENT

**FLOOD PLAIN AFTER ACTION
REPORT**

FRIDAY, JUNE 2, 2006

**TO BE HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT
MEETING**

City Hall - 1700 Convention Center Drive, Commission Chambers - Third Floor
Miami Beach, Florida 33139

FILE NO. FP06-05

**PABLO RENE RUIZ
921 EUCLID AVENUE
LOT 11; BLOCK 44
OCEAN BEACH ADDITION NO. 3
PB 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance to waive the minimum required base flood plain elevation to allow the construction of a new three (3) story residential building and renovation of an existing two (2) story residential building.

APPROVED.

In accordance with the Americans With Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, persons with disabilities, or to request material in accessible format, contact the Board's administrator at (305)673-7550 no later than four (4) days prior to the proceeding. If hearing impaired or for sign language interpreters, telephone (305)673-7219 (TDD) five (5) days prior to the proceeding.

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